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13 *and Signify Holding B.V.*

14
15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 SIGNIFY NORTH AMERICA CORPORATION
and
18 SIGNIFY HOLDING B.V.

19 Plaintiffs,

20 v.

21 LEPRO INNOVATION INC,
LE INNOVATION INC,
22 INNOVATION RULES INC.,
HOME EVER INC., and
23 LETIANLIGHTING, INC.,

24 Defendants.

Case 2:22-cv-02095-JAD-DJA

**JOINT CLAIM
CONSTRUCTION AND
PREHEARING STATEMENT**

[D. Nev. LPR 1-15]

25 Pursuant to Local Patent Rule 1-15 and the Court's Scheduling Order (ECF No. 37),
26 Plaintiffs and Defendants submit the following Joint Claim Construction and Prehearing
27 Statement.
28

1 Plaintiffs Signify North America Corporation and Signify Holding B.V. (collectively,
2 “Signify”), and Defendants LEPRO Innovation Inc., LE Innovation Inc, Innovation Rules Inc.,
3 Home Ever Inc., and Leitianlighting, Inc. (collectively, “Defendants”) (together, “the parties”), by
4 and through their attorneys of record, hereby submit the following joint claim construction
5 prehearing statement for certain terms/phrases in U.S. Patent No. 7,014,336 (“the ’336 Patent”),
6 U.S. Patent No. 7,038,399 (“the ’399 Patent”), U.S. Patent No. 7,348,604 (“the ’604 Patent”), U.S.
7 Patent No. 7,352,138 (“the ’138 Patent”), U.S. Patent No. 8,063,577 (“the ’577 Patent”), U.S.
8 Patent No. 9,709,253 (“the ’253 Patent”), and U.S. Patent No. RE 49,320 (“the ’320 Patent”)
9 (collectively, the “Patents-in-Suit”), as well as the parties’ respective evidence in support of those
10 constructions.

11 **A. LPR 1-15(a): Agreed Terms/Phrases**

12 The parties do not agree on a construction for any of the claim terms contended to require
13 construction. The parties agree that any term that is not identified herein as indefinite or requiring
14 a construction shall have its plain and ordinary meaning as understood by a person of ordinary
15 skill in the context of the intrinsic record.

16 **B. LPR 1-15(b): Disputed Terms/Phrases**

17 The parties dispute the construction of the terms/phrases as set forth in **Appendix A**. The
18 tables therein include each party’s proposed construction of each disputed term/phrase, together
19 with an identification of all references from the specification or prosecution history that support
20 that construction, and an identification of any extrinsic evidence known to the party on which it
21 intends to rely either to support its proposed construction or to oppose the other party’s proposed
22 construction, including dictionary definitions, prior art, and testimony of expert witnesses. The
23 parties reserve the right to rely on any of the opposing cited evidence to support its proposed
24 constructions.

25 **C. LPR 1-15(c): Significant Disputed Terms/Phrases**

26 The parties respectfully submit that all disputed claim terms/phrases are significant to the
27 resolution of the case as each disputed claim term/phrase is contained in independent claims
28 (rather than dependent claims) of the Patents-in-Suit.

1 The parties agree that the following term would be claim dispositive:

- 2 • “background noise” (claims 132 and 186 of the ’336 Patent)

3 **D. LPR 1-15(d): Length of Time for Claim Construction Hearing**

4 The parties respectfully request that each side be given three and one half (3.5) hours at
5 the Claim Construction hearing for a total of seven (7) hours. The parties respectfully request that
6 Claim Construction Hearing be scheduled the day after the Claim Construction Tutorial (as set
7 forth in the section below).

8 **E. LPR 1-15(e): Claim Construction Tutorial**

9 The parties respectfully request that each side be given one (hour) to present a short
10 summary and explanation of the technology at issue for a total of two (2) hours. The parties believe
11 that it would be beneficial for the Claim Construction Tutorial to be scheduled the day before the
12 Claim Construction Hearing.

13 **F. LPR 1-15(f): Proposed Dates for Claim Construction Hearing**

14 The parties propose the following dates on which a Claim Construction Hearing could be
15 held during the weeks of October 2-6 and October 16-20, 2023. Pursuant to LPR 1-15(f), these
16 dates are within 60 days of the date by which claim construction briefing is to be completed.

17 **G. LPR 1-15(g): Witnesses**

18 Signify may rely on the testimony of Dr. Regan Zane, a non-party expert witness, in
19 support of certain of Signify's proposed constructions and in response to certain of Defendants'
20 proposed constructions in connection with the ’577 Patent, including, but not limited to,
21 information to be provided in declarations, depositions, or live testimony during the Signify's
22 claim construction hearing. Specifically, Signify may present Dr. Zane's opinion regarding the
23 meaning of certain claim terms in the ’577 Patent to one of ordinary skill in the art and the accuracy
24 of Defendants’ proposed constructions versus Signify's proposed constructions based on the
25 intrinsic and extrinsic evidence listed in this chart, as well as Dr. Zane's experience, expertise, and
26 industry knowledge.

27 Defendants do not believe testimonial evidence from non-party expert witnesses is
28 necessary to resolve the parties’ claim construction dispute over certain claim terms in the ’577

1 Patent. However, to the extent that Signify elects to proffer testimony including declarations,
2 depositions, or live testimony during the claim construction hearing from non-party expert witness
3 Dr. Regan Zane to support Signify's claim construction positions, Defendants reserve the right to
4 call Dr. Peter Shackle, a non-party expert witness, to offer his opinion including declarations,
5 depositions, or live testimony at the claim construction hearing. Dr. Shackle may opine on the
6 understanding by one of ordinary skill in the art of certain claim terms in the '577 Patent, and the
7 parties' claim construction positions based on the intrinsic and extrinsic evidence that the Court
8 may admit and examine.

9 **H. LPR 1-15(g): Claim Charts with Terms to Be Construed**

10 Attached hereto is **Appendix B** which contains the claim language of the asserted claims
11 of the Patents-in-Suit, with disputed terms/phrases to be construed in bold, and the parties'
12 proposed constructions.

1 Dated: July 17, 2023

2 Respectfully submitted,

3 /s/ F. Christopher Austin

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